[0030] FIG. **3** shows another embodiment of the portfolio owner's portfolio of assets **100** also divided into a floating privilege pool **101** containing patents P1 to Pm and containing a custom floating privilege pool **303**. The remaining patents **202** in the portfolio consist of patents Pp+1 to Pn.

[0031] However, in the embodiment shown in FIG. **3**, the custom floating privilege pool **303** contains patents that also are included in the floating privilege pool **101**. Accordingly, the custom floating privilege pool **303** contains patents Pm−q to Pp, where q is a positive integer less than m and p is greater than m and less than n. Patents Pm−q to Pm (**304**) are common to both the floating privilege pool **101** and the custom floating privilege pool **303** since they are contained in both pools. Accordingly, clients A, B, C and D each have a floating privilege for the common assets **304** in the two pools.

[0032] FIGS. **1-3** are intentionally simple in their structure so as not to unnecessarily obfuscate the principles of the present invention and to further facilitate a complete understanding. However, it is anticipated that real world applications of the present teachings would involve having multiple clients with floating privileges to any given dynamic asset pool created for that purpose. Indeed, the client list could be dozens, hundreds, or even a thousand or more.

[0033] Furthermore, it is anticipated in real world applications that the number of assets in a pool subject to a floating privilege, although variable as discussed in greater detail infra, at any given point in time would number, typically, into the hundreds or thousands.

[0034] By employing the techniques described here, a client corporation that lacks a large asset portfolio can have access to a large corporation's massive asset portfolio in a time of need. The client corporation's rights to these assets could be publicized so that anyone considering suing the client would have to consider all of the assets at the client's disposal. In this way, a floating privilege to a dynamic asset pool provides both a deterrent value and an enhanced ability for the client corporation to fend off such lawsuits.

[0035] FIGS. **4** through **7** are flowcharts showing non-limiting embodiments for creating a dynamic asset pool, creating a floating privilege, processing a dynamic asset pool event, and processing a floating privilege event. It will be understood that these flowcharts illustrate example processes and other processes can be used to practice the invention.

CREATING a DYNAMIC ASSET POOL

[0036] FIG. **4** shows an example of a process for creating a dynamic asset pool. The process for creating a dynamic asset pool is started **400** and a minimum quantity of assets is established in a dynamic asset pool **401**. In the example shown in FIG. **1**, the portfolio owner, a corporation, establishes a minimum number of patents to populate the floating privilege pool **101**. This minimum quantity of assets forms a basis for an agreement between the corporation and its clients as to the minimum size of the dynamic asset pool. Due to the dynamic nature of the asset pool, with the corporation adding and removing assets from the pool over time, the number of assets in the dynamic asset pool likely will vary. The corporation may specify in a contract with its clients that the dynamic asset pool will always have at least the minimum number of assets in the pool. For example, assuming that the corporation owns **10,000** patents, it may decide to offer clients a floating privilege to 80% of those patents or 8,000 patents. Accordingly, the company establishes the minimum quantity of patents for the dynamic asset pool at 8,000 patents. The minimum quantity of assets can be established in a variety of ways. For example, the company can designate a specific number of its patents to include the dynamic asset pool. Alternatively, the company can designate a percentage of its total patents to include in the dynamic asset pool. It will be understood that other ways of establishing the minimum quantity of assets in the dynamic asset pool can be employed in step **401**.

[0037] Once the minimum quantity of assets is established, the dynamic asset pool is populated by evaluating the corporation's assets and selecting those assets that are suitable for inclusion in the dynamic asset pool. In step **402** a candidate asset is selected from the portfolio of assets to evaluate for inclusion in the dynamic asset pool.

[0038] In step **403** the selected asset is evaluated against certain criteria for determining whether the asset is suitable for inclusion in the dynamic asset pool. An example of criteria a selected asset can be evaluated against is a relevancy rating that can be specified for the asset. In step **404** it is determined whether the selected asset is suitable for inclusion in the dynamic asset pool based on the results of the evaluation. If the asset is determined to be suitable, it is added to the dynamic asset pool in step **405**. The process then proceeds to step **406**. If the asset is determined not to be suitable, the asset is not added to the dynamic asset pool and the process proceeds to step **406**. For example, a strong patent relating to a core technology of a company's strategic product line may be deemed unsuitable for a high relevancy rating. Likewise, a patent claiming an invention not presently embodying a company's product line may represent an asset deemed suitable for inclusion having a very low relevancy rating.

[0039] In step **406** the process determines whether the dynamic asset pool contains at least the minimum quantity of assets established in step **401**. The process compares the number of assets in the pool against the minimum quantity of assets established in step **401**. If the number of assets in the pool is less than the established minimum number of assets, the process flow returns to step **402** in which another candidate asset is selected from the portfolio of assets for evaluation. Alternatively, if the asset pool does not include at least the established minimum number of assets, the process flow can return to step **401** in which the corporation can establish a new minimum number of assets for the dynamic asset pool.

[0040] If in step **406** it is determined that the number of assets in the pool is greater than or equal to the established minimum number of assets, the process proceeds to step **407**. Step **407** is an optional step if the corporation wants to add a buffer of additional assets to the dynamic asset pool over the minimum quantity of assets established in step **401**. By adding a buffer of additional assets to the dynamic asset pool, assets can be removed from the pool without the number of assets in the pool dropping below the minimum number of assets clients expect the pool to contain. If the corporation establishes a buffer for the dynamic asset pool, and the number of assets in the pool does not equal or exceed the buffer's capacity, the process flow returns to step **402** to select another candidate asset to add to the dynamic asset pool. If the dynamic asset pool either does not have a buffer established for the pool or if the number of assets in the pool